THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.227 of 2007

Dated: 19-01- 2007

Between:

M.Samuel and another. **..PETITIONERS**

AND

A.P Power Generation Corporation Ltd.,
Vidyuthsoudha, Hyderabad-82 rep by its
Chairman and Managing Director and ors. **...RESPONDENTS**

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ORDER:

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents-AP GENCO.

The petitioners claim that they worked as contract labour with the respondents-AP GENCO and they are entitled to absorption/regularization of their services, but the action of the respondents-AP GENCO in not absorbing/regularizing them into service, is illegal and arbitrary.

The relief of absorption/regularization claimed by the petitioners in the present writ petition, having regard to the judgment of the apex Court in **Steel Authority of India Limited vs. National Water Front Workers**[1], cannot be granted. In the said judgment, the apex Court held that the determination of the questions as to whether the contract of employment of labour is a genuine one or a mere ruse/camouflage to evade the provisions of beneficial labour legislation, require inquiry into disputed questions of facts, which cannot conveniently be made by the High Courts in exercise of their jurisdiction under Article 226 of the Constitution, and the appropriate authority to go into those issues was the Industrial Tribunal/Court whose determination will be amenable to judicial review. Since the present writ petition also raises similar disputed questions of fact, as contended by the learned Standing Counsel for the respondents-AP GENCO, having regard to the judgment of the apex Court in **Steel Authority of India Limited vs. National Water Front Workers**, the same is not maintainable, and the remedy of the petitioners is to approach the labour authorities under the Industrial Disputes Act, 1947 for the relief of absorption/regularization.

Following the judgment of the apex Court in **Steel Authority of India Limited vs. National Water Front Workers**, a learned single

Judge of this Court disposed of a batch of similar writ petitions in W.P. No. 16865 of 1991, by judgment dated 27.09.2002, granting liberty to the petitioners to approach the labour authorities under the Industrial Disputes Act, 1947 for the relief of absorption/regularization, and in fact, following the said judgment, this Court also disposed of several batch of writ petitions with similar directions.

In the circumstances, following the aforesaid judgment and for the reasons mentioned therein, I deem it appropriate to dispose of this writ petition also with the following directions:

The petitioners are at liberty to approach the labour authorities under the Industrial Disputes Act, 1947 for the relief of absorption/regularization of their services with the respondents-AP GENCO.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 19.01.2007
Grk/TVK

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[1] 2001 (6) ALD 1